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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/629,773	07/30/2003	Dan Horlin	2380-788	8251
23117	7590	06/30/2005	EXAMINER	
NIXON & VANDERHYE, PC 901 NORTH GLEBE ROAD, 11TH FLOOR ARLINGTON, VA 22203			DUONG, DUC T	
			ART UNIT	PAPER NUMBER
			2663	
DATE MAILED: 06/30/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.		Applicant(s)	
	10/629,773		HORLIN ET AL.	
	Examiner		Art Unit	
	Duc T. Duong		2663	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 February 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 41-43 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 41-43 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 41-43 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 41 and 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Diaz et al (US Patent 5,526,344) in view of Petersen (US Patent 5,467,347).

Referring to claim 41, Diaz teaches a multi-cluster (crosspoint, col. 14 lines 42-52) switching system with multiple multi-services for a telecommunications network that is equipped with extensive selective datagram discard procedures. During periods of severe congestion, the queues in a packet buy overlay entity discard datagrams of selected classes of service in a controlled manner that favors discarding of datagrams of low priority classes of service over high priority classes (providing an indication that a high priority cell is in a queue awaiting writing to the buffer blocked by a low priority cell) (column 23, lines 35-40). A first method is the forcible dequeuing of datagrams of selected classes of services from the head of the subqueues, freeing occupied buffers for use by arriving datagrams. The freed buffers are made immediately available for

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queuing of new packets of the same or higher loss priority (emptying the blocked crosspoint in response to the indication) (column 23, lines 40-46).

Diaz fails to teach for switch core comprising a buffer matrix having one memory per cluster (crosspoint, col. 14 lines 42-52) to which cells having different priority classes are written.

However, Petersen discloses a switch core matrix with a buffer at each crosspoint (fig. 13 col. 12 lines 17-210 to which cells having different priority classes are written (col. 18 lines 3-5).

Thus, it would have been obvious to a person of ordinary skill in the art, at the time of the invention, to arrange a switch as taught by Petersen in Diaz's system to eliminate the needs for large buffers in the switch core. The motivation to do so would have been to provide a better and efficient switching performance.

Referring to claim 42, Diaz teaches the method described in reference to claim 41 above where it is clearly understood that when a low priority datagram is discarded and a packet of the same or higher loss priority takes its place, the buffer location then has the priority of the new higher priority datagram.

4. Claim 43 is rejected under 35 U.S.C. 103(a) as being unpatentable over Diaz and Petersen in view of Smith, U.S. Patent 6,011,793, hereinafter Smith.

Diaz teaches the method described in reference to claim 42 above with the possible exception of using a management cell to detect the indication of a cell received at the switch core. Smith teaches a switching apparatus including when the apparatus is used in an ATM network the control means can also cause one of the switch units to

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send appropriate traffic management cells to the data source sending data to that switch unit to cause the source to throttle back its cell rate (column 3, lines 45-54). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to use the management cells taught by Smith to control the datagrams arriving at Diaz. One of ordinary skill in the art would have been motivated to do this in order to avoid potential congestion situations Smith, column 3, line 54).


Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Duc T. Duong whose telephone number is 571-272-3122. The examiner can normally be reached on M-F (9:00 AM-5:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky Q. Ngo can be reached on 571-272-3139. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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RICKY NGO
PRIMARY EXAMINER
6/27/05